

REMARKS

Applicant has studied the Office Action dated October 29, 2010, and has made amendments to the claims. Claims 1-37, 39, 41, 43 and 45 were previously canceled without prejudice. Claims 38, 40, 42 and 44 have been amended. No new matter has been added. It is submitted that the application is in condition for allowance. Reconsideration is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 38-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0004924 to Kim et al. (hereinafter "Kim") in view of U.S. Patent Application Publication No. 2003/0060173 to Lee et al. (hereinafter "Lee"). This rejection is respectfully traversed.

As amended, independent claim 38 recites that a CRC is attached to each of at least two second data blocks and dummy bits, and each of the at least two second data blocks with the attached CRC and the dummy bits with the attached CRC are allocated to a plurality of antennas based on received channel status information. Independent claim 42 recites similar features.

Applicant recognizes that Lee discloses that systematic bits are pure user information and parity bits are bits added to compensate for errors generating during transmission (see page 1, paragraph [0006] of Lee). However, Applicant disagrees with the Examiner's assertion that Lee's disclosure of "parity bits" is analogous to the "dummy bits" of claims 38 and 42 (see pages 2 and 5 of the Final Office Action).

Claims 38 and 42 have been amended to clarify that dummy bits with an attached CRC are allocated to an antenna having bad channel status. Here, the CRC provides means for detecting an error occurring in a data transmission in progress. That is, the CRC of claims 38 and 42 may correspond with the "parity bits" disclosed in Lee as they both relate to error detection/compensation. Accordingly, because the "parity bits" of Lee, at best, arguably teach the attached CRC of claims 38 and 42, Applicant submits that Lee's disclosure of "parity bits" cannot teach or suggest the

dummy bits of claims 38 and 42, which are attached with a CRC, and allocated to an antenna having bad channel status.

Further, amended claims 38 and 42 recite that only the dummy bits with the attached CRC are allocated to the antenna having bad channel status. A receiving end must check whether a signal transmitted from a corresponding antenna continues to cause errors or not. To achieve this object, both the dummy bits, which are predefined, and the CRC for detecting errors generated during transmission of the dummy bits, are transmitted via the antenna having bad channel status. It is respectfully submitted that Lee does not teach or suggest "dummy bits with the attached CRC" are transmitted via the antenna having bad channel status.

In view of the forgoing, it is respectfully submitted that claims 38 and 42, and the claims respectively dependent thereon, are allowable over the combination of Kim and Lee.

CONCLUSION

In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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